

## Message Text

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INFO OCT-01 EUR-12 ISO-00 L-03 SS-15 SSO-00 /037 R

DRAFTED BY OES/OFA:RTSCULLY:CSA

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TO AMEMBASSY MADRID IMMEDIATE

C O N F I D E N T I A L STATE 297874

FOR AMBASSADOR RIDGWAY, ICNAF DELEGATION

E.O. 11652:GDS

TAGS: EFIS

SUBJECT: US/CANADIAN FISHERIES NEGOTIATIONS

REF: RIDGWAY/BUSBY TELECON; OTTAWA 4789

1. FOLLOWING IN PARA 2 TO 6 IS TEXT OF LETTER FROM  
GOC SECRETARY OF STATE FOR EXTERNAL AFFAIRS JAMIESON  
TO SECRETARY, DATED DECEMBER 3, AND REFERRED TO IN REFTEL.  
JAMIESON AND SECRETARY ARE SCHEDULED TO MEET IN BRUSSELS  
DURING NATO FOREIGN MINISTERS MEETING (DECEMBER 8-10),  
THOUGH TIMING OF MEETING HAS NOT BEEN SET. JAMIESON IS  
LIKELY PLACE MAJOR EMPHASIS ON US-CANADIAN FISHERIES AND  
BOUNDARY NEGOTIATIONS AND DRAFT TALKING POINTS HAVE BEEN  
PREPARED TO BE INCLUDED IN REPLY TO JAMIESON AND FOR USE  
IN BRUSSELS MEETING. TALKING POINTS (PARA7 BELOW) HAVE  
NOT RPT NOT YET BEEN CLEARED BY SECRETARY. OES ALSO  
INDICATED THAT SHOULD SECRETARY WISH OES PARTICIPANT TO  
SIT IN ON MEETING WITH JAMIESON IN BRUSSELS, IT MIGHT BE  
POSSIBLE TO ARRANGE FOR YOU TO BE PRESENT ON DECEMBER 10,  
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FOLLOWING CLOSE OF ICNAF MEETING.

2. BEGIN TEXT OF JAMIESON LETTER: THANK YOU FOR YOUR LETTER OF NOVEMBER 12, 1976 CONCERNING MARITIME BOUNDARIES AND RELATED RESOURCE QUESTIONS.

3. I APPRECIATE YOUR INITIATIVE IN SETTING OUT GENERAL PRINCIPLES TO SERVE AS A FRAMEWORK FOR CONTINUING NEGOTIATIONS. ALTHOUGH I AM IN SUBSTANTIAL AGREEMENT WITH THE SUGGESTED FRAMEWORK, I HAVE NOTED THAT CERTAIN ELEMENTS ON WHICH I THOUGHT WE HAD REACHED AN UNDERSTANDING IN WASHINGTON--IN PARTICULAR LONG-TERM JOINT FISHERIES MANAGEMENT--ARE NOT ADDRESSED. NEVERTHELESS I INSTRUCTED CANADIAN OFFICIALS TO DEVELOP PROPOSALS FOR THE NOVEMBER 18-19 BILATERAL FISHERIES CONSULTATIONS WHICH WOULD BUILD ON THE POINTS SET OUT IN YOUR LETTER AND WHICH WOULD BE NON-PREJUDICIAL TO THE BOUNDARIES POSITIONS OF BOTH SIDES. I HAD THOUGHT THAT THE APPROACH PUT FORWARD BY CANADIAN OFFICIALS SUGGESTING THE USE OF AN ICNAF SUB-AREA OR AREAS MET BOTH CRITERIA AND CONSEQUENTLY, WAS CONCERNED TO HEAR THAT UNITED STATES OFFICIALS WERE UNABLE TO ACCEPT IT.

4. AS IT APPEARS THAT FURTHER FISHERIES NEGOTIATIONS CANNOT BE ARRANGED BEFORE THE END OF DECEMBER, IT IS NOW CLEAR THAT THE EXTENDED CANADIAN FISHERIES JURISDICTION WILL COME INTO EFFECT ON JANUARY 1, 1977, WITHOUT EITHER AN INTERIM OR A LONG-TERM AGREEMENT HAVING BEEN CONCLUDED. IN THESE CIRCUMSTANCES IT WOULD BE MY INTENTION TO RECOMMEND TO MY CABINET COLLEAGUES THAT CANADA SHOW RESTRAINT AND FOREBEARANCE IN THE ENFORCEMENT OF ITS EXTENDED JURISDICTION, VIS-A-VIS THE UNITED STATES AND THEREBY AVOID ACTION WHICH MIGHT LEAD TO CONFLICT IN THE BOUNDARY AREAS AND/OR PREJUDICE THE MARITIME BOUNDARIES AND FISHERIES NEGOTIATIONS.

5. I AM ADVISED, HOWEVER, THAT UNITED STATES OFFICIALS HAVE EXPRESSED THE VIEW THAT THE UNITED STATES MAY NOT BE IN A POSITION TO EXERCISE RECIPROCAL FOREBEARANCE WHEN THE UNITED STATES EXTENDED FISHERIES JURISDICTION COMES INTO EFFECT ON MARCH 1, 1977. IN MY OPINION IT

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WOULD BE MOST UNFORTUNATE IF THIS WERE THE CASE. MOREOVER, I HAVE SOME DIFFICULTY IN SEEING HOW WE ON THE CANADIAN SIDE COULD BE EXPECTED TO EXERCISE FOREBEARANCE IN THE ABSENCE OF AN UNDERSTANDING FROM THE UNITED STATES SIDE TO ACT IN A PARALLEL MANNER. SUCH AN UNDERSTANDING WOULD OF COURSE BE FAR SHORT OF THE PERMANENT AGREEMENT OR INTERIM ARRANGEMENT THAT WE HAD EARLIER HOPED FOR, BUT I AM CONFIDENT THAT IT WOULD GO SOME WAY TO AVOIDING

THE OCCURENCE OF INCIDENTS THAT COULD GREATLY COMPLICATE  
THE WORK OF OUR BOUNDARIES AND FISHERIES NEGOTIATIONS.

6. I LOOK FORWARD TO THE OPPORTUNITY OF DISCUSSING WITH  
YOU AT NEXT WEEK'S MEETING IN BRUSSELS, BOTH THE IDEA OF  
ADOPTING AN ICNAF SUB-AREA FOR OUR SHORT-TERM PURPOSES  
AND SECONDLY, AN UNDERSTANDING ON MUTUAL FOREBEARANCE.  
YOURS SINCERELY, DON JAMIESON. END TEXT

7. BEGIN DRAFT TALKING POINTS: I APPRECIATE YOUR LETTER  
OF DECEMBER 3 REGARDING OUR BILATERAL FISHERY AND MARI-  
TIME BOUNDARY NEGOTIATIONS.

8. THE NOVEMBER 18-19 CONSULTATIONS BETWEEN OUR FISHER-  
IES NEGOTIATORS WERE HELPFUL. THEY REFLECTED A COMMON  
APPROACH TO ENFORCEMENT AND FISHING BY THIRD PARTIES  
IN THE AREA BETWEEN OUR TWO LINES IN THE GULF OF MAINE.

9. THE BASIC DIFFICULTY WITH THE CANADIAN PROPOSAL FOR  
JOINT ALLOCATION USING ICNAF SUBAREAS IS NOT THE AMOUNTS  
OF THE ALLOCATIONS, WHICH WE ARE PREPARED TO CONSIDER,  
BUT IS THAT IN EFFECT THE PROPOSAL CALLS FOR JOINT MAN-  
AGEMENT THROUGHOUT ALL OF GEORGES BANK.

10. THE US IS PREPARED TO ACCOMMODATE CANADIAN FISHER-  
IES ON A RECIPROCAL BASIS IN AREAS UNDER OUR JURISDICTION.  
HOWEVER, A SHORT-TERM AGREEMENT PREMISED UPON OUR JOINT  
MANAGEMENT THROUGHOUT ALL OF GEORGES BANK IS NOT ACCEPT-  
ABLE TO THE US.

11. YOUR DECEMBER 3 LETTER REFERS TO FOREBEARANCE IN  
ENFORCEMENT AGAINST EACH OTHER'S FISHERMEN. IT IS MY  
UNDERSTANDING THAT OUR FISHERIES NEGOTIATORS HAVE REACHED  
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CONSIDERABLE AGREEMENT ON MUTUAL FOREBEARANCE IN THE AREA  
BETWEEN OUR TWO LINES IN THE GULF OF MAINE. IT WOULD BE  
MY HOPE THAT WE COULD WORK OUT WAYS TO PUBLICLY REFLECT  
OUR AGREEMENT ON THIS POINT AS WELL AS OUR AGREEMENT ON  
THIRD PARTY FISHING BEFORE JANUARY 1.

12. MUTUAL FOREBEARANCE IN AREAS OUTSIDE THE DISPUTED  
ZONE IS DIFFICULT UNDER OUR LEGISLATION. HOWEVER, WE  
REMAIN PREPARED TO NEGOTIATE A SHORT-TERM AGREEMENT  
WHICH WOULD AUTHORIZE CANADIAN FISHING IN OUR 200-MILE  
ZONE AND EASE THE ADMINISTRATIVE BURDENS WHICH WOULD  
OTHERWISE APPLY.

13. IT IS OUR VIEW THAT THE ELEMENTS OF A SHORT-TERM  
AGREEMENT CAN BE DISCERNED AND WE LOOK FORWARD TO BEGIN-

NING FULL-SCALE NEGOTIATIONS ON JANUARY 17 AS RECENTLY  
AGREED.

14. I WOULD ALSO LIKE TO RECONFIRM WHAT I UNDERSTAND TO  
BE OUR COMMITMENT TO SEEK A COMPROMISE BOUNDARY LINE IN  
THE GULF OF MAINE AND MUTUALLY ACCEPTABLE LONG-TERM  
RESOURCE ARRANGEMENTS. I REGRET THAT THE CANADIAN SIDE  
HAS BEEN UNWILLING TO MEET ON THE BOUNDARY ISSUES SINCE  
OUR OCTOBER DISCUSSIONS AND HOPE THAT BOTH SIDES WILL BE  
ABLE TO TABLE COMPROMISE BOUNDARY PROPOSALS SOON.  
END TEXT. ROBINSON

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TEXT, DIPLOMATIC COMMUNICATIONS, NEGOTIATIONS, FISHERIES MEETINGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 07 DEC 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976STATE297874  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** RTSCULLY:CSA  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760452-1130  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19761264/aaaacdpw.tel  
**Line Count:** 180  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN OES  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 OTTAWA 4789  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** GolinoFR  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 05 APR 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <05 APR 2004 by ShawDG>; APPROVED <06 APR 2004 by GolinoFR>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** US/CANADIAN FISHERIES NEGOTIATIONS  
**TAGS:** EFIS, US, CA  
**To:** MADRID  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006